

# EXHIBIT D

**From:** [Chris Kachouroff](#)  
**To:** [Loftus, Julie](#)  
**Cc:** [Frey, Timothy](#); [Bedell, James](#)  
**Subject:** Re: Smartmatic/ Lindell  
**Date:** Monday, June 24, 2024 2:42:22 PM  
**Attachments:** [image001.jpg](#)  
[image147169.jpg](#)  
[image.png](#)

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Julie,

Thank you for the reply. I cannot do July 1 or 2. It will have to be after July 8. I know you all want to but it's not possible. I cannot do it before that time frame. Moreover I want to get to you all the discovery responses I can so your examination is one and done.

I will have the 30(b)6 topics to you by tomorrow or Wednesday.

If we can call chambers circa 4:00 eastern that would be better for me. I'm in depositions starting tomorrow through Friday but will take time to answer messages.

CK

On Mon, Jun 24, 2024 at 12:10 PM Loftus, Julie <[JLoftus@beneschlaw.com](mailto:JLoftus@beneschlaw.com)> wrote:

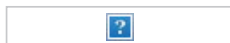
Chris,

We can call the court at 2:00 central/ 3:00 eastern. I will call you from a number with a (765) area code so we can jointly call chambers.

Additionally, following up on the first item in my below email, please provide dates for the 30(b)(6) deposition of Mike Lindell. We had discussed July 1 or 2 last Thursday. We need to know if we are going forward.

Finally, I will reiterate from Tim's email last week that we are looking for 30(b)(6) topics from Defendants so that we can identify the appropriate deponent(s).

Julie



Julie Loftus  
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**From:** Chris Kachoureff <[chris@mck-lawyers.com](mailto:chris@mck-lawyers.com)>  
**Sent:** Monday, June 24, 2024 8:10 AM  
**To:** Loftus, Julie <[JLoftus@beneschlaw.com](mailto:JLoftus@beneschlaw.com)>  
**Cc:** Frey, Timothy <[TFrey@beneschlaw.com](mailto:TFrey@beneschlaw.com)>; Bedell, James <[JBedell@beneschlaw.com](mailto:JBedell@beneschlaw.com)>  
**Subject:** Re: Smartmatic/ Lindell

Guys,

Good morning to all of you. I want to address Julie's last email.

I think our first step is to contact the court for a date certain on mutual motions to compel. (Since Smartmatic wishes to use the more formal route and not the IDR procedure, we need to set down all of our disputes for formal argument.) When are you available to call the Court?

On that note, I will be responding to your claim of deficiencies in ROGGS 4, 14, 20, and 23. I will also be responding to the last wave of requests that were propounded before my time when this case was in a state of homeostasis. I'll try to have those responses by week's end.

I will also send you all a deficiency letter as well that will serve as the basis for our motion to compel. It will reiterate many of the things we've already discussed but I'll put it in a matrix so you will see precisely what we are concerned with.

Sincerely,

Chris

On Fri, Jun 21, 2024 at 11:52 AM Loftus, Julie <[JLoftus@beneschlaw.com](mailto:JLoftus@beneschlaw.com)> wrote:

Chris,

Touching base on a few open items.

**First**, please provide dates for the 30(b)(6) deposition of Mike Lindell. We had discussed July 1 or 2 on our call Wednesday; please confirm if dates that week will work.

**Second**, I write to confirm that the parties will use the court's IDR procedure to resolve the following disputes:

- Responses/ documents responsive to Smartmatic's last wave of discovery requests (attached) to

which Defendants never objected or responded;

- Smartmatic's RFP No. 26, which seeks financial information related to MyPillow. Smartmatic requests that MyPillow provided updated information for 2022 and 2023 (as Smartmatic did in its own recent production).
- Responses to Smartmatic's Interrogatory No. 4, 14, 20, and 23.

*Third*, you asked if we could use the IDR process for the OANN settlement agreement. After consulting with our client, we cannot agree to use the IDR procedure for this dispute due to potential ramifications in other proceedings.

Best,

Julie



Julie Loftus  
(she/her/hers)  
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